

NOTICE OF TRUSTEE'S SALE AND APPOINTMENT OF SUBSTITUTE TRUSTEE

Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately. Sender is: Codilis & Moody, P.C., 400 North Sam Houston Parkway East, Suite 900A, Houston, Texas 77060

INSTRUMENT BEING FORECLOSED AND MORTGAGE SERVICER INFORMATION

Deed of Trust dated June 11, 2020 and recorded under Clerk's File No. 2020-00005049, in the real property records of HOWARD County Texas, with David E. Biggerstaff, a married man joined by his non vested spouse Donna Brooks Biggerstaff pro forma as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for Lakeview Loan Servicing, LLC, its successors and assigns as Original Mortgagee.

Deed of Trust executed by David E. Biggerstaff, a married man joined by his non vested spouse Donna Brooks Biggerstaff pro forma securing payment of the indebtedness in the original principal amount of \$191,866.00 and obligation therein described including but not limited to the promissory note and all modifications, renewal and extensions of the promissory note (the "Note") executed by David Biggerstaff. Lakeview Loan Servicing, LLC is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code 51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the property securing the above referenced loan. LoanCare, LLC is acting as the Mortgage Servicer for the Mortgagee. LoanCare, LLC, is representing the Mortgagee, whose address is: 3637 Sentara Way, Virginia Beach, VA 23452.

Legal Description:

BEING A 1.28 ACRE TRACT OF LAND OUT OF THE SE/4 OF SECTION 43, BLOCK 31, T-1-N, T. & P. RR. CO. SURVEY, HOWARD COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES:

SALE INFORMATION

Date of Sale: 05/02/2023

Earliest Time Sale Will Begin: 10:00 AM

Location of Sale: The place of the sale shall be: HOWARD County Courthouse, Texas at the following location: On the north steps of the Howard County Courthouse, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court

TERMS OF SALE

A default has occurred in the payment of said herein referenced indebtedness, and the same is now wholly due, and the Mortgagee and/or Mortgage Servicer has requested the hereinafter appointed Substitute Trustee to sell said property to the highest bidder for cash and to distribute or apply the proceeds of said sale in accordance with the terms of said Deed of Trust.

The Sale will be conducted as a public auction to the highest bidder for cash, except that Mortgagee's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust. Pursuant to the Deed of Trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property. **Pursuant to Section 51.009 of the Texas Property Code, the Property will be sold in "AS IS," "WHERE IS" condition, without any express or implied warranties, except as to the warranties of title, if any, provided for under the Deed of Trust.**



Filed at 12:37 P M O'clock 4-6-23
Brent ZITZERKOPF, County Clerk, Howard County, Texas
By Codilis & Moody Deputy

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The sale will begin at the earliest time stated above, or within three (3) hours after that time. If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the funds paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney.

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

WHEREAS, in my capacity as attorney for the Mortgagee and/or Its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, **I HEREBY APPOINT AND DESIGNATE Shelley Nail, Donna Trout, Ramiro Cuevas, Kristopher Holub, Patrick Zwiers, Charles Green, Cassie Martin, Zane Nail, Thomas Delaney, Danya Gladney, Aaron Demuth, Codilis & Moody, P.C., or Auction.com, as Substitute Trustee.**


The address for the Substitute Trustee for purposes of Section 51.0075(e) of the Texas Property Code is:
Codilis & Moody, P.C.
400 N. Sam Houston Pkwy E, Suite 900A
Houston, TX 77060
(281) 925-5200

Executed on 04/04/2023.

/s/ Nicole M. Barte SBOT No. 24001674, Attorney at Law
Codilis & Moody, P.C.
400 N. Sam Houston Pkwy E, Suite 900A
Houston, TX 77060
(281) 925-5200

Posted and filed by:

Printed Name:


Shelley Nail

C&M No. 44-23-0683

Exhibit A

LEGAL DESCRIPTION

The following described property:

BEING a 1.28 acre tract of land out of the SE/4 of Section 43, Block 31, T-1-N, T. & P. RR. Co. Survey, Howard County, Texas described by metes and bounds as follows:

BEGINNING at a 1/2" I.R. found in the North right-of-way line of Midway Road (75.0' right-of-way) for the SE corner of this tract from whence the SE corner of Section 43, Block 31, T-1-N, T. & P. RR. Co. Survey, Howard County, Texas bears N. 74 degrees 35' E. 1094.9' and S. 15 degrees 28' E. 37.5';

THENCE S. 74 degrees 35' 00" W. along the North right-of-way line of said Midway Road, 266.8' to a 1/2" I.P. found in the North right-of-way line of said Midway Road for the SW corner of this tract;

THENCE N. 15 degrees 28' 00" W. 208.7' to a 1/2" I.R. found for the NW corner of this tract;

THENCE N. 74 degrees 35' 00" E. 266.8' to a 1/2" I.P. found for the NE corner of this tract;

THENCE S. 15 degrees 28' 00" E. 208.7' to THE PLACE PF BEGINNING.

Containing 1.28 Acres of Land

NOTE: The Company does not represent the above referenced acreage or square footage calculations are correct.